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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE:	§	
Daryl D. Rogers and	§	CASE NO. 18-34197-13
	§	
Lovie Tasker-Rogers	§	
DEBTORS	§	CHAPTER 13
	§	

AMENDED OBJECTION TO TRUSTEE'S RECOMMENDATION CONCERNING

CLAIMS

COMES NOW, Daryl D. Rogers and Lovie Tasker-Rogers, Debtors herein, and files this Debtors' Objection to Trustee's Recommendation Concerning Claims. Debtors would respectfully show the Court as follows:

1. Debtors filed a Voluntary Petition under Chapter 13 of the United States Bankruptcy Code on 12/18/2018.
2. The Trustee's Recommendation Concerning Claims is objectionable because it lists BMO Harris Bank as two claims in violation of the confirmed plan. In Debtors' previous case, Case 16-32001, BMO Harris filed one claim for the Truck and Trailer which led Debtor to combine the Truck and Trailer in this plan. Although there are two claims in this case, Proof of Claim #8 in the amount of \$43,126.95 which pertains to the Trailer, and Proof of Claim #9 in the amount of \$180,220.76, which pertains to the Truck, the confirmed plan combines the assets and claims

in the amount of \$82,828.65 at 6.25%. If the treatment proposed in the Trustee's Recommendation Concerning Claims is allowed, the Truck and Trailer will not be paid in accordance with the confirmed plan.

3. The Trustee should modify Debtors' plan base so that the Truck and Trailer are paid according to the terms of the confirmed plan. The Truck and Trailer should be combined and paid \$82,828.65 at a rate of 6.25%. Any excess should be treated as a bifurcated claim.

4. Debtors have objected to Proofs of Claim #8 and #9 to match the Objection to the Trustee's Recommendation Concerning Claims. If Debtors' Objections to Claims are granted, Proof of Claim #8 will be disallowed in its entirety and Proof of Claim #9 will be treated as a cram-down claim and will encompass both the Truck and the Trailer. In this case, the Trustee's Recommendation Concerning Claims Order should be amended to match the Order on Objections to Claims.

5. If this objection is granted, it will have the effect of a plan modification. Therefore, Debtor's attorney requests attorney's fees in the amount of \$400.00 to be paid via the Debtor's chapter 13 plan.

WHEREFORE, PREMISES CONSIDERED, Debtors pray the Court Order the Chapter 13 Trustee to resolve Debtors' objections through the Order on Trustee's Recommendation Concerning Claims and award Debtor's attorney fees in the amount of \$400.00 to be paid through Debtor's chapter 13 plan.

Dated: November 14, 2019

RESPECTFULLY SUBMITTED:

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CERTIFICATE OF SERVICE

I certify that the above and foregoing was sent on November 25, 2019 by the method indicated:

First Class Mail

Pacer Mailing Matrix

/s/ Megan Price
MEGAN PRICE
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